IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33808 of 2008
AVINASH SHARMA @ AVINASH KUMAR
SON OF LATE NAWAL SHARMA @ NAWAL KISHORE SHARMA,
RESIDENT OF VILLAGE SENARI,P.S.KARPI,DISTRICT ARWAL
Versus
STATE OF BIHAR

3/ 17.11.2008 Heard learned counsel for the parties.

The petitioner seeks bail in a case which relates to a carnage in which 33 persons were killed at the spot and 20 persons were injured by the criminals.

Submission is that name of the petitioner has come for the first time in the third statement of the informant. Prior to that, the petitioner was not named. There was mention only Avinash Sharma in the earlier statement. That Avinash Sharma was put on trial and has been convicted. So there is no possibility of participation of another Avnish Sharma i.e. the petitioner. There is no explanation as to why the petitioner was not named in the first or second statement of the informant. Further submission is that similarly situated co-accused has been granted bail by a Bench of this Court.

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This is a case of carnage in which a number of persons were butchered to death. The petitioner's name has come later on in the statement of the informant and other witnesses. Other accused persons have been convicted. Considering the allegation and in the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for bail is rejected.

Tahir/- **(Shyam Kishore Sharma, J.)**